

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DOCUMENT ELECTRONICALLY FILED

UNITED STATES OF AMERICA	:	
	:	CRIM. NO. 05-482 (JLL)
	:	
v.	:	NOTICE OF MOTION FOR THE
	:	ENTRY OF A JUDGMENT OF
	:	ACQUITTAL PURSUANT TO
JAMILA DAVIS	:	RULE 29(c) AND RULE 33 OF THE
Defendant	:	FEDERAL RULES OF CRIMINAL
	:	PROCEDURE.

TO: Donna Galuccio, Esq.
Assistant United States Attorney
Office of the United States Attorney
For the District of New Jersey
970 Broad Street
Newark, NJ 07102
Attorney for the United States

Michael N. Pedicini, Esq.
60 Washington Street
Morristown, NJ 07960
Attorney for Brenda Rickard

Madam/Sir:

PLEASE TAKE NOTICE, that upon the annexed Declaration of Counsel, the defendant JAMILA DAVIS, by her attorney THOMAS H. NOOTER, ESQ., will move this Court before the Honorable Jose L. Linares, United States District Judge for the District of New Jersey, sitting at the United States Courthouse located at 50 Walnut Street, Newark, New Jersey, for an Order entering a judgment of acquittal pursuant to Rule 29(c) of the Federal Rules of Criminal Procedure, or in the alternative and if applicable, for an order granting a new trial, pursuant to Rule 33 of the Federal Rules of Criminal Procedure.

For purposes of this Motion the defendant will rely on the annexed Declaration of Counsel and a Memorandum of Law to be submitted on a future date.

Dated: New York, New York
September 26, 2007

Submitted by:

/s/ Thomas H. Nooter
Thomas H. Nooter
Attorney for Jamila Davis
30 Vesey Street, Suite 100
New York, NY 10007
(212) 608-0808
Email: thnooter@cs.com

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DOCUMENT ELECTRONICALLY FILED

UNITED STATES OF AMERICA	:	
	:	CRIM. NO. 05-482 (JLL)
	:	
v.	:	
	:	
	:	DECLARATION OF COUNSEL
JAMILA DAVIS	:	
Defendant	:	
	:	

THOMAS H. NOOTER, being an attorney duly admitted to the practice of law in the States of New York and California, does hereby declare under penalty of perjury and pursuant to 28 U.S.C. § 1765 that the following is true:

1. I am the attorney of record for the defendant JAMILA DAVIS herein.
2. I was trial counsel to the defendant JAMILA DAVIS, and as such am fully familiar with the facts and circumstances herein.
3. On Thursday, September 20, 2007, following a trial by jury the defendant JAMILA DAVIS was found guilty of all counts of the above-numbered indictment.
4. The instant motion is being filed pursuant to Rule 29(c) and Rule 33 of the Federal Rules of Criminal Procedure within the seven-day time limit prescribed by Rule 29(c) in order to preserve the defendant's ability to prosecute said motions upon additional arguments to be submitted at a later

time.

5. Michael N. Pedicini, counsel for the co-defendant herein, Brenda Rickard, has obtained the consent of the United States and has obtained leave of the Court to file additional arguments at a later date: I am applying for the same relief herein.
6. I respectfully ask for additional time to formulate such arguments as may be necessary to state and support the precise grounds for the relief requested in this motion.
7. No prior application for this relief has been made.

WHEREFORE, counsel respectfully moves this Court for an order granting a judgment of acquittal pursuant to Rule 29(c) of the Federal Rules of Criminal Procedure, or in the alternative for an order granting a new trial pursuant to Rule 33 of the Federal Rules of Criminal Procedure, and for such other and further relief as is just and proper.

/s/ Thomas H. Nooter
Thomas H. Nooter
Attorney for Defendant Jamila Davis

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DOCUMENT ELECTRONICALLY FILED

UNITED STATES OF AMERICA	:	
	:	CRIM. NO. 05-482 (JLL)
	:	
v.	:	
	:	ORDER
	:	
JAMILA DAVIS	:	
Defendant	:	

THIS MATTER having been opened to the court by the defendant, JAMILA DAVIS, in the presence of the United States of America, (Donna Galuccio, Assistant United States Attorney appearing), for an order pursuant to Rule 29(c) of the Fed. Rules of Criminal Procedure granting the defendant's application for a judgment of acquittal, or in the alternative, granting the defendant a new trial pursuant to Rule 33 of the Fed. Rules of Criminal Procedure, and the Court having considered the moving papers and arguments of counsel and for good and sufficient cause shown,

IT IS on this day of , 2007,

ORDERED, that the defendant's motions be and the same are hereby granted in all respects.

HON. JOSE L. LINARES
UNITED STATES DISTRICT JUDGE